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PCT #118

PATENT

ATTORNEY DOCKET NO. LEV.006.01US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1651

In re application of: Noteborn, *et al.*

Serial No.: 09/555,981

Filed: July 26, 2000

For: **MOLECULES INTERACTING WITH
APOPTIN**



) Examiner: Not Yet Assigned

) Art Unit: Not Yet Assigned

) INFORMATION DISCLOSURE
) STATEMENT TRANSMITTAL

BOX DD

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED

OCT 03 2000

TECH CENTER 1600/2900

Sir:

Transmitted herewith is:

[X] An Information Disclosure Statement.

[X] A PTO-1449.

[X] Copies of references listed on the PTO-1449 form.

[] English translation of foreign language references.

[] Copy of foreign examination report.

[] English translation of foreign examination report.

[X] Return postcard (postage prepaid).

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on

Date AUGUST 9, 2000

Signed [Signature]

Print JESSICA ALDEA

1. ☒ This Information Disclosure Statement is filed before the later of:
- ☒ three months from the filing date of this national application;
 - ☐ three months from the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or
 - ☐ the mailing date of a first office action on the merits.
- ☒ In accordance with 37 C.F.R. § 1.97(b), no fee is required.
2. ☐ This Information Disclosure Statement is filed after the events noted in paragraph 2, but before either:
- (1) a final action under 37 C.F.R. § 1.113; or
 - (2) a Notice of Allowance under 37 C.F.R. § 1.311.
- ☐ In accordance with 37 C.F.R. § 1.97(c) also enclosed is:
- ☐ a fee under 37 C.F.R. § 1.17(p) in the amount of \$240; or
 - ☐ a certification as stated below.
3. ☐ This Information Disclosure statement is filed before the payment of the issue fee, but after either:
- (1) a final action under 37 C.F.R. § 1.113; or
 - (2) a Notice of Allowance under 37 C.F.R. § 1.311.
- ☐ In accordance with 37 C.F.R. § 1.97(d) also enclosed is:
- (1) A certification, as stated below;
 - (2) A Petition requesting consideration of the Information Disclosure Statement; and
 - (3) The petition fee set forth in 37 C.F.R. § 1.17(i)(1) in the amount of \$130.

Certification

The undersigned also states:

- ☐ Each item of information contained in the Information Disclosure Statement cited herein was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing date of this Information Disclosure Statement; or
- ☐ No item of information contained in the Information Disclosure Statement submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of this Information Disclosure Statement.

The fees indicated above are:

TOTAL FEES: \$ 0

- ☐ A check including the amount of the above-indicated TOTAL FEES is attached.
- ☐ Please charge Deposit Account No. 18-0020 in the amount of: \$ _____.
- ☐ A check in the amount of \$ _____ is attached.
- ☒ No fee is required.
- ☒ The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time, or credit any overpayment to Deposit Account No. 18-0020.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.
- ☒ A duplicate copy of this sheet is attached for accounting purposes.

Respectfully submitted,

Dated: August 9, 2000



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BRV/slb



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) **STATEMENT**
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BOX DD

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Information Disclosure Statement is hereby submitted in accordance with 37 C.F.R. §1.98 and pursuant to Applicant's continuing duty under 37 C.F.R. §1.56 to bring any information which may be material to patentability of this application to the Examiner's attention.

References B1-2, C2, C20 and C38-39 cited on the PTO-1449 form are enclosed. Copies of missing references B3-5, C1, C3-19, and C21-37 will be submitted under separate cover upon our receipt.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C.

20231 on

Date

AUGUST 9, 2000

Signed

[Signature]

Print

JESSICA ALDEA

Applicant makes no representation that a complete search has been conducted by the Applicant, or that there is not possibly more relevant art. Applicant also makes no representation that the information submitted herewith is in fact material.

- ☐ Several of the enclosed publications were cited in a foreign examination report in a related case. A copy of the search report is attached.
- ☐ The search report is not in the English language and a translation of the search report is enclosed.
- ☐ Enclosed in an explanation of the relevance of non-English publications for which an English translation is not available.
- ☐ The explanation is in the form of an English language search report.

The subject application is believed patentable over any of the above references.

Respectfully submitted,

Dated: August 9, 2000



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PATENT

DOCKET NO. LEBV.006.01US



COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

FORM PTO-1449 (Modified)
LIST OF PATENTS AND PUBLICATIONS
FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT
(Use several sheets if necessary)
Sheet 1 of 3

In re application of: Noteborn, *et al.*

Art Unit: Not Yet Assigned

Serial No.: 09/555,981

Examiner: Not Yet Assigned

Filed: July 26, 2000

Ref. <u>Desig.</u>	Examiner's <u>Initials</u>	Document <u>Number</u>	<u>Date</u>	<u>Name</u>	Class/ <u>Subclass</u>	<u>Filing Date</u>
A1		5,491,073	02/13/96	Noteborn, et al.	435/69.1	

Ref. <u>Desig.</u>	Examiner's <u>Initials</u>	Document <u>Number</u>	<u>Date</u>	<u>Country</u>	Class/ <u>Subclass</u>	<u>Filing Date</u>
B1		WO 96/41191	1996	PCT		
B2		WO 98/46760	10/22/98	PCT		
B3		EP 97439		EPO		
B4		WO 95/03414	02-02-95	PCT		
B5		WO 96/30512	03-10-96	PCT		

Ref. <u>Desig.</u>	Examiner's <u>Initials</u>	Document <u>Number</u>	<u>Date</u>	<u>Country</u>	Class/ <u>Subclass</u>	<u>Filing Date</u>
C1		Bange, et al., <u>J. Biol. Chem.</u> (1994), 269:1091-8				
C2		Bao, et al., <u>Oncogene</u> (1996), 12:2171-2176				
C3		Bellamy, et al., <u>Seminars in Cancer Biol.</u> (1995), 6:3-12				

Examiner:

Date Considered:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

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Washington, D.C. 20231

FORM PTO-1449 (Modified)
LIST OF PATENTS AND PUBLICATIONS
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(Use several sheets if necessary)
Sheet 2 of 3

In re application of: Noteborn, <i>et al.</i>]	Art Unit: Not Yet Assigned
]	
Serial No.: 09/555,981]	Examiner: Not Yet Assigned
]	
Filed: December 3, 1998]	

- C4 Danen-Van Oorschot, et al., Proc. Natl. Acad. Sci. (USA) (1997), 94:5843-7
- C5 Danen-Van Oorschot, et al., Apoptosis (1997), 2:395-402
- C6 Duke, et al., Scientific American (Dec. 1996), 48-55
- C7 Durfee, et al., Genes & Development (1993), 7:555-69
- C8 Earnshaw, Curr. Opin. Cell Biol. (1995), 7:337-43
- C9 Evan and Littlewood, Curr. Opin. Genetics Development (1993), 3:44-9
- C10 Fields and Song, Nature (1989), 340:245-6
- C11 Hockenberry, Science (1994), 18:51-5
- C12 Hoffman and Winston, Gene (1987), 57:267-72
- C13 Kerr, et al., Cancer (1994), 73:2013-26
- C14 Klebe, et al., Gene (1983), 25:333-41
- C15 Levine, Cell (1997), 88:323-31
- C16 Maniatis, et al., Molecular Cloning: A Lab. Manual (1982), CSHL Press, NY
- C17 Matsudaira, Seminars in Cell Biology (1994), 5:165-74
- C18 McDonell, et al., Seminars in Cancer Biology (1995), 6:53-60
- C19 Noteborn, et al. Avian Pathology (1995), 24:22-4
- C20 Noteborn, et al., J. Virology (1991), 65:3131-9
- C21 Noteborn, et al., J. Virology (1994), 68:346-51
- C22 Noteborn, et al., J. General Virology (1998), in press
- C23 Paulovich, et al., Cell (1997), 88:315-21
- C24 Pietersen, et al., Cancer Gene Therapy (1997), 4(6):S16-17

Examiner:

Date Considered:

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Sheet 3 of 3

In re application of: Noteborn, <i>et al.</i>]	Art Unit: Not Yet Assigned
]	
Serial No.: 09/555,981]	Examiner: Not Yet Assigned
]	
Filed: December 3, 1998]	

- C25 Rabbitts, Cell (1991), 67:641-4
- C26 Rose, et al., Methods in yeast genetics. A Lab. Manual (1990), Cold Spring Harbor Lab. Press, NY
- C27 Sachs and Lotem, Blood (1993), 82:15-21
- C28 Sanger, et al., Proc. Natl. Acad. Sci. (USA) (1977), 74:5463-7
- C29 Steller, Science (1995), 267:1445-9
- C30 Sawyers, et al., Cell (1994), 77:171-3
- C31 Telford, et al., Cytometry (1992), 13:137-43
- C32 Teodoro and Branton, J. Virology (1997), 71:1739-46
- C33 Thompson, Science (1995), 267:1456-62
- C34 White, Genes and Development (1996), 10:1-15
- C35 Wyllie, Curr. Opin. Genetics and Development (1995), 5:97-104
- C36 Wyllie, et al., International Rev. Cytology (1980), 68:251-306
- C37 Yang, et al., Science (1992), 257:680-2
- C38 Zhuang, et al., Leukemia (1995), 9(1):118-20
- C39 Zhuang, et al., Cancer Research (1995), 55:486-9

Examiner:	Date Considered:
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